



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1355/2
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2015 ASSEMBLY BILL 1009

March 29, 2016 – Introduced by Representatives GOYKE, BARNES, ZAMARRIPA, BROSTOFF, SPREITZER, JOHNSON and ZEPNICK. Referred to Committee on Judiciary.

- 1 **AN ACT** *to amend* 301.45 (1p) (a) and 973.015 (1m) (b); and *to create* 973.015
2 (1m) (a) 2m. of the statutes; **relating to:** allowing a petition for expunging a
3 court record of certain offenses ten years after completion of a sentence.

Analysis by the Legislative Reference Bureau

This bill allows certain persons to petition a court for expungement of their criminal records after completing their sentences. Under current law, generally if a person under the age of 25 commits a crime for which the maximum term of imprisonment is six years or less, a court may order, at the time it sentences the person for the crime, that the court's record of the crime and conviction be expunged when the person successfully completes his or her sentence, if the court finds that expunging the record will benefit the person and will not harm society.

Under current law, a person successfully completes his or her sentence if the person is not convicted of a subsequent offense and, if on probation, the probation is not revoked and the person satisfies all conditions of probation. Upon successful completion, currently the detaining or probationary authority issues a certificate of discharge, which is forwarded to the court of record and which has the effect of expunging the record.

Under the bill, if a court did not, at the time it sentenced a person, enter an order allowing expungement if the person successfully completes his or her sentence, the person may petition the court for expungement at any time after ten years have passed since the date the person successfully completed his or her sentence. Also under the bill, a court may enter an order allowing expungement upon petition, if the

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court determines the person has successfully completed his or her sentence, that the person has not been convicted of any other crime, and that the person will benefit and society will not be harmed by this disposition.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 301.45 (1p) (a) of the statutes, as affected by 2015 Wisconsin Act 80,
2 is amended to read:

3 301.45 **(1p)** (a) If a person is covered under sub. (1g) based solely on an order
4 that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in connection with a
5 delinquency adjudication or a conviction for a violation of s. 942.08 (2) (b), (c), or (d)
6 or (3), the person is not required to comply with the reporting requirements under
7 this section if the delinquency adjudication is expunged under s. 938.355 (4m) (b) or
8 if the conviction is expunged under s. 973.015 (1m) (~~b~~).

9 **SECTION 2.** 973.015 (1m) (a) 2m. of the statutes is created to read:

10 973.015 **(1m)** (a) 2m. Except as provided in subd. 3., when a person has been
11 found guilty in a court for violation of a law for which the maximum period of
12 imprisonment is 6 years or less, he or she may petition, after 10 years have elapsed
13 since the date the person successfully completes his or her sentence, the court to
14 order that the record of conviction be expunged. The court may order that the record
15 be expunged upon successful completion of the sentence if the court determines that
16 10 years have elapsed since the date the person successfully completed his or her
17 sentence, that the person has not been convicted of a subsequent offense, and that
18 the person will benefit and society will not be harmed by this disposition. This
19 subsection does not apply to information maintained by the department of

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1 transportation regarding a conviction that is required to be included in a record kept
2 under s. 343.23 (2) (a).

3 **SECTION 3.** 973.015 (1m) (b) of the statutes is amended to read:

4 973.015 **(1m)** (b) A person has successfully completed the sentence if the person
5 has not been convicted of a subsequent offense and, if on probation, the probation has
6 not been revoked and the probationer has satisfied the conditions of probation. Upon
7 successful completion of the sentence the detaining or probationary authority shall
8 issue a certificate of discharge which shall be forwarded to the court of record and
9 which shall have the effect of expunging the record if the court entered an order
10 under sub. (1m) (a) 1. or 2. and which may serve as a basis for entering an order under
11 sub. (1m) (a) 2m. If the person has been imprisoned, the detaining authority shall
12 also forward a copy of the certificate of discharge to the department.

13 (END)